
PLANNING & ZONING COMMISSION
Regular Meeting
Wednesday, August 7, 2019
6:30 p.m.

**Planning and
Zoning Commission**

Anthony Spinelli,
Chairman

Commission
Members:
Sean Cunningham
Samuel Glomp
Jerry McGleam
Kevin O'Connor
Joe Plahm
Matthew Zolecki

I. CALL TO ORDER

A. Pledge of Allegiance

B. Verify Quorum

C. Approval of Minutes: July 10, 2019 meeting

II. CHAIRMAN'S COMMENTS

III. PUBLIC HEARINGS

**A. 19-05 The Forge Lemont Quarries Rezoning for 14411 –
14597 Main Street and PUD Amendment**

IV. ACTION ITEMS

V. GENERAL DISCUSSION

VI. AUDIENCE PARTICIPATION

VII. ADJOURNMENT

**Community
Development: Planning
Division Staff**

Jason Berry, AICP,
Community Development
Director
Mark Herman, MPA, AICP
Community Development
Manager
Jamie Tate, AICP,
Consulting Planner

Village of Lemont
Planning and Zoning Commission
Special Meeting of July 10, 2019

A special meeting of the Planning and Zoning Commission for the Village of Lemont was held at 6:30 p.m. on Wednesday, July 10, 2019 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Spinelli called the meeting to order at 6:37 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Cunningham, McGleam, O'Connor, Zolecki, Spinelli

Absent: Glomp and Plahm

Community Development Director Mark Herman was also present.

C. Approval of Minutes – June 19, 2019 Special Meeting

Commissioner McGleam made a motion, seconded by Commissioner Zolecki to approve the minutes from the June 19, 2019 special meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

Chairman Spinelli welcomed the audience to the meeting. He then asked everyone in the audience to stand and raise his/her right hand. He then administered the oath.

III. PUBLIC HEARINGS

A. 19-12 QUARRY PUB & GRILL SPECIAL USE PERMIT WITH VARIATIONS FOR OUTDOOR DINING AND SIGN VARIATION

Chairman Spinelli called for a motion to open the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to open the public hearing for Case 19-12. A voice vote was taken:

Ayes: All
Nays: None
Motion passed

Mark Herman, Community Development Manager, said the subject property is 1015 State Street, Quarry Pub & Grill. He then showed an aerial view of the property. This is the fifth location for Quarry Pub & Grill. In 1999, the Village Board did approve variations for a patio, fence and dining area in the front yard along with a special use for the outdoor dining. Outdoor dining is a special use when it is on private property with a seating capacity of 10 or more. The proposal is about for 60 people which will consist of 15 tables with four to a table.

He showed a drawing that was submitted by the applicant which shows the outdoor dining in the front of the building. The dimensions from the drawing were put on the ultra survey by staff. The property to the north and south of the subject property has B-3 zoning. The property located across the street is a cemetery. The outdoor dining is located in the front of the subject property which is away from the residential property to the east.

Mr. Herman stated with locating the outdoor dining to the front of the building, it does provide a buffer and helps minimize any nuisance created by the noise, however it does create the need for variations. Patios are not allowed in the front yard and there is a 20 yard setback. The patio is setback 16 feet from the right-of-way (ROW) line. There is also a maximum lot coverage of 80% in the B-3. This property is already nonconforming with a lot coverage of 89% and the patio would increase the lot coverage to a little over 91%. The fencing should be located in the rear and/or side yard and this fence is located in the front yard. He then listed some other properties located on State Street that have fencing either in the front or side yard.

The applicant is also requesting a special use for additional signing on the building. The sign that is currently there is at the maximum of 72 square feet. In the code the maximum signage in the B-3 district is one square foot of signage for every one foot of building frontage with a maximum of 72 square feet. The building frontage based on the ultra survey is 154 ½ feet. The proposed new signage is the reverse channel letters that say Food, Sports and Entertainment. They are 24 inches tall and would be 42 feet wide so it would be an additional 84 square feet for a total of 156 square feet of signage. This is a relatively large building for a single tenant.

Mr. Herman said parking in the code is based on the size of the building. By adding the outdoor dining the seating capacity does increase during the summer. The applicant has a formal shared parking arrangement with the office building to the north. Quarry Pub & Grill can have access to the parking at the office building after 5 p.m. There is soon supposed to be a formal agreement with Lemon Tree to the south also. Staff will follow-up with these agreements, but feel with the agreements there is adequate parking.

In regards to the Standards for a Special Use, staff went through them. The application does meet the applicable standards. The location for the outdoor dining area in the front yard is considerate of the residential neighbors. The design elements of the fencing and stone pillars does make it aesthetically pleasing. He then went through the Standards for Variations.

Mr. Herman stated that staff does recommend approval with conditions related to the special use. He read through the conditions that are listed in staff's report.

Chairman Spinelli asked for staff to go through the drawings that were provided in staff's packet.

Mr. Herman went through and explained which drawings were from the 1999 approval and which drawing was for the current application. The reason why he provided the 1999 drawing was to show what the Village Board at that time was comfortable with, however, it was never constructed.

Chairman Spinelli asked if the patio was 16 feet from the ROW and where is the fence going to be.

Mr. Herman said it would be 16 feet from the ROW. The fence is also at the 16 feet.

Chairman Spinelli stated he would want nothing more than 15 feet from the ROW. Since an architect did not do the drawing he is going to give a little bit of a buffer. He appreciates the information from 1999, but this is a different applicant.

Mr. Herman said a variation should run with the property so there should be some acknowledgement. This is a different request however, and the dimensions are different.

Chairman Spinelli asked if there were guidelines for submitting a professional drawing. There is no reference to property lines and variances are being requested off a landscape plan.

Mr. Herman stated he is not aware of any language in the UDO regarding that a design professional needs to submit drawings.

Commissioner McGleam asked if they would need a professional drawing for permit.

Mr. Herman said he does not believe so.

Chairman Spinelli asked if the Village requires an as built survey to prove that they put it in according to permit.

Mr. Herman stated he would need to verify that.

Chairman Spinelli asked what the distance was for smoking outside of a building from the Department of Health.

Mr. Herman said he believes it is 15 feet.

Chairman Spinelli stated that will need to be addressed if this moves forward. There is a portable ashtray that is near the door currently.

Mr. Herman said signage can be added.

Commissioner McGleam clarified which plan they were making their decision on.

Mr. Herman stated it should be clarified that if approved it is based on substantial compliance of that document.

Chairman Spinelli asked if the gate that is shown on the north side was required for fire code.

Mr. Herman said staff did not run it pass the Fire Department, but it is something staff can do.

Chairman Spinelli stated if it is not required then it should be eliminated. Patrons can try and use that area as another area to smoke.

Chairman Spinelli asked where the gate was located to get into the area.

Mr. Herman said there would be an ingress/egress into the building but did also show where a gate will be located.

Chairman Spinelli stated the gate should be locked from the inside.

Commissioner McGleam asked if staff knew what the width of the landscaping and fence were.

Mr. Herman said the landscape would be on the outside of the fence. The 16 feet would be to the fence.

Commissioner McGleam asked if he knew the layout for the stone piers.

Mr. Herman stated he did not know, but this was a recommendation from staff based on what was approved from 1999.

Chairman Spinelli asked what the boxed area was in the patio.

Mr. Herman said it is for playing bags.

Chairman Spinelli asked if this was going to be concrete or pavers.

Mr. Herman stated that would be a question for the applicant.

Chairman Spinelli asked if there were any further questions from the Commission for staff. None responded. He then asked the applicant to come forward.

Applicant Presentation

Christopher Reum said he was present this evening for Robert Taft, applicant, who could not be present this evening. In regards to whether it is concrete or pavers they have been working with the landscapers to find out what will match better with the overall landscaping plan. If there is something required they will do whichever is required.

Chairman Spinelli stated there is no requirement besides it has to be some type of hardscape and it must be ADA accessible.

Mr. Reum said they put the gates in for emergency purposes and they will be lockable. There will be no entrance to the patio unless you go through the building. The gates are only for emergency purposes.

Chairman Spinelli clarified that people do not have access to the patio as they come out of the building. He asked if that is why they need separate modification for the garage door.

Mr. Reum stated he believes that is a separate recommendation because it is attached to the building. The original plan will have a man door while they go through the permit use. He believes that one has to go through the Health Department.

Chairman Spinelli said the smoking area will need to be adjusted. If the Village Board does approve this he does not want to see just the ashtrays moved. There needs to be signs or the pavement marked.

Commissioner Zolecki asked what the landscape material was in front of the bean bag area.

Mr. Reum stated he is not sure.

Commissioner Zolecki asked if there was going to be a max occupancy.

Mr. Herman said yes and that would be based on the fire code.

Chairman Spinelli asked what time does the kitchen currently close.

Mr. Reum stated between 10 p.m. and 11 p.m. They might have a late night menu on certain nights come the fall, but they are still working on that.

Chairman Spinelli asked if the applicant had requested the midnight closing.

Mr. Reum said they have patios at other locations that do not have hours of operation.

Commissioner Cunningham stated that was from the Liquor Commission.

Chairman Spinelli asked if there were any further questions from the Commission. None responded. He then asked if there was anyone in the audience that wanted to speak in regards to this public hearing.

Public Comment

Bruce Taylor said his son lives directly behind the subject property and he lives across the street from him. He understands that they do not want them smoking out front, but otherwise they will go to the side of the building. They will be drinking and can be very loud. It is extremely loud when they dump all the bottles into the dumpsters. His son has a little baby, so they are concerned about the noise that would be generated from outside entertainment. He is concerned that there will be more garbage with the outside dining. His son gets a lot of garbage that blows into his yard. He asked if they were going to allow entertainment outside. When there are bands downtown Lemont, the sound carries all the way up to where he lives.

Mr. Herman stated they do have live entertainment inside the building. It was never proposed to staff that they wanted to do live entertainment outside of the building. As a condition of approval, which the Planning Commission can change or amend, if they were to consider it they would not be allowed to have a band out there by right. The purpose of staff's recommendation was if they intended to do that, they could only do that with Village approval. That way they would have information on what was being done.

Mr. Taylor asked if they are planning on having any music, possibly through speakers, playing out there.

Mr. Reum stated there is already two speakers outside playing music and they don't plan on adding any more.

Ed Andrysiak said he owns the property at 1020 Cherokee. He does not want to see the business fail because it will not help his property value and it doesn't help the Village with sales taxes. He understands there are concerns with smoking and landscape issues, but that is up to the Commission to work out. He just wanted to state that he is not opposed to their application. He was concerned about parking but they seem to have figured that out. If you look behind Lemon Tree there is a grass

strip and that is an alley. He thinks it would be nice if they could connect to that alley and have an additional exit to Keepataw Drive.

Chairman Spinelli asked if there was anyone else that wanted to speak in regards to this public hearing. None responded. He then called for a motion to close the public hearing.

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to close the public hearing for Case 19-12. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Plan Commission Discussion

Chairman Spinelli stated he objects to opening up an alley behind the property. He does not believe that the subject property has an enclosed dumpster. He asked staff if this was something that they can ask the applicant to provide since they are coming in asking for a special use.

Mr. Herman said that they could, especially since there has been concern brought up by the neighbor about garbage. It also helps make it more aesthetically pleasing.

Chairman Spinelli stated either a trash enclosure should be provide or covers for the dumpsters that they have on site. He said some items he would like to add for the motion that is made would be a 15 foot setback from the ROW line, somehow address the smoking restricted area, the fence gate shown would be panic push bars for exiting only, and no outdoor entertainment.

Commissioner O'Connor agreed with the outdoor entertainment. He does not believe that there will be enough room.

Commissioner Zolecki said the bean bags should be restricted to a certain time because that game can get loud. It might have to be excluded or limited to a certain time.

Chairman Spinelli stated if it is played at night then there might have to be lighting. He asked staff how that would be policed if they restrict it.

Mr. Herman said it would be through code enforcement. He suggested that staff will look into it and make sure code enforcement take a look at the dumpsters.

Chairman Spinelli asked if there were any talks about outdoor lighting.

Mr. Herman stated he did not talk about outdoor lighting with the applicant.

Mr. Reum said they would just have low voltage ambient lighting.

Chairman Spinelli asked if any of the Commissioners had any further comments or questions. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner McGleam made a motion, seconded by Commissioner O'Connor to recommend to the Mayor and Board of Trustees approval of Case 19-12 – Quarry Pub & Grill Special Use Permit with Variations for Outdoor Dining and Sign Variation with the following conditions for the Special Use and Variations for Outdoor Dining Area:

1. The outdoor dining area shall close no later than 12:00 a.m.
2. Require a 15 foot setback from the right-of-way line to the proposed fencing.
3. Enforce the building code requirements for no smoking within 15 feet of the building.
4. The outdoor fence gates are for egress only and no access to the patio area other than from the inside of the building.
5. No live entertainment.
6. No bean bag play after 10 p.m.
7. All portions of the outdoor dining area shall be setback at least 5 feet from any property line, as stated for patios in the accessory structure table.
8. A solid landscape buffer shall be planted along the fence of the outdoor dining area.
9. The fence wall shall have masonry pillars as posts.

A roll call vote was taken:

Ayes: McGleam, O'Connor, Cunningham, Zolecki, Spinelli

Nays: None

Motion passed

Findings of Fact

Commissioner Cunningham made a motion, seconded by Commissioner McGleam to authorize the Chairman to approve the Findings of Fact for Case 19-12 as prepared by staff. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

IV. ACTION ITEMSS

A. 18-13 FINAL PLAT OF SUBDIVISION FOR 16622 W. 127TH STREET (LOMAS SUBDIVISION)

Mr. Herman said the subject property is located on the southwest corner of 127th Street and Rolling Meadows Drive. Last year the Village approved a preliminary plat

of subdivision for a two lot subdivision on the subject property. The property had been rezoned from B-3 to R-4 Single Family. He then showed the Final Plat of Subdivision submitted by the applicant. The applicant did try and comply with the recommendations that were made.

The lot sizes are greater than what is required for the R-4 District. In regards to having a greater setback for Lot 1 off of 127th Street, they did increase it to 40 feet. He then reviewed the conditions that were placed from Planning Commission at the preliminary hearing. Staff feels the Final Plat substantially conforms to the Preliminary Plat and recommends approval of the Final Plat with the conditions listed in staff's report.

Chairman Spinelli stated the restriction for no vehicular access to 127th Street is not shown anywhere on the subdivision plat and that will need to be added to the plat. The applicant's engineer needs to update their preliminary engineering drawings to show the 40 foot setback from 127th Street. He concurs with staff that the Final Plat does conform to the Preliminary Plat. He then asked if any of the other Commissioners had any comments or questions. None responded. He then called for a motion for recommendation.

Plan Commission Recommendation

Commissioner Zolecki made a motion, seconded by Commission McGleam to recommend to the Mayor and Board of Trustees approval of Case 18-13 Final Plat of Subdivision for 16622 W. 127th Street (Lomas Subdivision) with the following conditions:

1. Address planning comments and meet the requirements of the UDO at site development permit.
2. Address any remaining comments forthcoming from the Village Engineer and Village Arborist.
3. Identify a non-access easement along 127th Street prior to final approval.
4. Update the preliminary engineering drawings to show the 40 foot setback from 127th Street.

A roll call vote was taken:

Ayes: Zolecki, McGleam, O'Connor, Cunningham, Spinelli

Nays: None

Motion passed

V. GENERAL DISCUSSION

Chairman Spinelli asked if there were any updates from the Village Board in regards to cases that they have heard.

Mr. Herman said this upcoming Monday, at the Committee of the Whole, they will be talking about all the cases from June Special Meeting. The only thing that might get

pushed back is the UDO amendments, but they will have to update the FIRM Map for DuPage County.

VI. AUDIENCE PARTICIPATION

None

VII. ADJOURMENT

Chairman Spinelli called for a motion to adjourn the meeting.

Commissioner McGleam made a motion, seconded by Commissioner Cunningham to adjourn the meeting. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper

TO: Planning & Zoning Commission

FROM: Jamie Tate, AICP, Consulting Planner

THRU: Mark Herman, MPA, AICP, Community Development Manager

SUBJECT: Case 19-05 The Forge Lemont Quarries Rezoning for Parcels at Northwest Corner of Walker Road and Main Street

DATE: August 7, 2019

SUMMARY

LTAP Acquisition, LLC, represented by Jeanette Virgilio, is the owner of the subject properties and is seeking Rezoning to B-4 Commercial Recreation from B-3 Arterial Commercial District for the Main Street parcels located at the northwest corner of Walker Road and Main Street. The purpose of the requested zoning entitlements is to address a condition in the Preliminary PUD Ordinance O-41-19 to obtain B-4 zoning entitlement with certain appropriate B-3 uses on the subject property. Staff is recommending approval with conditions.



Figure 1: "Main Street" parcels associated with the Forge and subject to rezoning are highlighted in **RED**.

PROPOSAL INFORMATION

Case No. 19-05

Project Name The Forge Rezoning of Main Street Parcels

General Information

Applicant	Bartly Loethen of LTAP Acquisition, LLC
Status of Applicant	Property Owner
Requested Actions:	Rezoning of Main Street Parcels
Purpose for Requests	Meet Preliminary PUD Condition to rezone Main Street parcels to B-4
Site Location	Address: 14411-14597 Main Street PINS: 22-21-200-031-0000, 22-21-200-077-0000, 22-21-200-020-0000, 22-21-200-030-0000, 22-21-200-021-0000, 22-21-200-015-0000, 22-21-200-026-0000, 22-21-200-009-0000
Existing Zoning	B-3, Arterial Commercial District with the following limited uses: hotel, restaurant, office administration building, and/or indoor recreation facilities
Size	6.5 acres
Existing Land Use	Vacant land and natural areas
Surrounding Land Use/Zoning of Subject Property	North: B-4, Commercial Recreation District / The Forge Development South: R-5 (Franciscan Village) / Senior Living Community West: R-6 on zoning map, but actually R-1 (according to annexation documents) / Vacant land East: R-6 on zoning map, but actually R-1 (according to annexation documents) / Vacant land
Lemont 2030 Comprehensive Plan	The Comprehensive Plan map designates the Main Street parcel as Multi-Family Midrise (MFM).

HISTORY

The Forge Rezoning, Preliminary PUD and Final PUD was discussed at a public hearing held on May 1, 2019 at the regular Planning and Zoning Commission Meeting. There was discussion and concern from the PZC and public regarding the subject 6.5-acre parcel along Main Street proposed to be zoned B-3 Arterial Commercial District. The rest of the conversation about the Forge was generally in support of the project with a few questions and clarifications from the applicants and commissioners. Ultimately, the PZC voted in favor (with conditions) of the B-4 Zoning (for the adventure park), Preliminary PUD Phase II and the Final PUD for Phase I for the Forge Adventure Park without the rezoning of the Main Street parcels to B-3.

The Forge project went on to the Committee of the Whole held on May 20, 2019 for discussion. In the meantime, LTAP submitted an application to the Village to reconsider the 6.5-acre Main Street parcel for B-4 zoning, rather than B-3. with the ability of the additional specific uses: hotel, restaurant, office/administration building, and/or indoor recreation facilities. They anticipate a complementary use to the adventure park on this parcel or additional adventure activities, not other B-3 uses that are unrelated to the Forge project. But due to the timing of approvals and the necessity to gain entitlement for funding, the applicant withdrew the application for the Main Street parcels to be rezoned to B-4 that was to be heard at the regularly scheduled June 5, 2019 PZC meeting. Instead, a condition was incorporated into the Preliminary PUD that LTAP rezone the Main Street Parcels to B-4 with additional associated uses before Final PUD approval for Phase II. The B-3 zoning was then approved, with restricted uses, as a part of the entire Forge rezoning, Preliminary PUD and Final PUD due to timing and the validity of the rezoning request.

BACKGROUND

In review of the history of the site, the subject property had been granted approval 2009 for the Windsor Court townhome development. In further review of the approval documents, O-47-09, the annexation agreement, contains a provision in which if the owner of the property did not file a Final PUD application within one year of the effective date of the annexation agreement, then the zoning of the property would revert back to R-1 Single-Family zoning. The development was granted further extensions to this deadline; however, the last extension was granted in 2011 (R-43-11), which stated that the Windsor Court PUD Preliminary approval would lapse on June 13, 2012; and the zoning would also revert back to R-1. Based on this new information; the entirety of the subject property had R-1 zoning, including the Main Street parcel. Despite this, Village zoning maps have still shown the property as R-5 over the years. With the rezoning on June 10, 2019 the property is currently B-3, but before this change, it was low density single-family residential, which is the general zoning district given when first annexing property.

PROPOSAL

LTAP has since submitted an application for rezoning to B-4. The subject property is proposed to be rezoned from B-3 Arterial Commercial District with limited uses of: hotel, restaurant, office/administration building, and/or indoor recreation facilities to B-4 Commercial Recreation with additional uses of: hotel, restaurant, office/administration buildings, and/or indoor recreation facilities. LTAP anticipates an associated use to the Forge to be located on this property. It will be the entrance from Main Street into the Forge Adventure Park, when Walker Drive is extended and upgraded as a part of Phase II.

According to the UDO, the purpose of the B-4 District is the following: *The B-4 regulations are intended to provide for the orderly, compatible development of land and the maximum recreational potential of the land.*

The following uses **are allowed by right** in the B-4 Zoning district:

- Animal grooming sales and service
- Animal hospital veterinarian
- Animal shelter/kennel
- Garden center
- Parks & Playgrounds
- Temporary uses consistent with other permitted uses in the zoning district
- Utilities and railroad rights of way

Special Use in B-4 Zoning District:

- Outdoor recreation
- Outdoor dining
- Campground
- Entertainment complex
- Garage as principle use
- Non-accessory parking lot
- Cemetery
- Planned Unit Development

Staff is suggesting as a part of the condition of the request, to remove certain B-4 uses that are entirely unrelated to an adventure park use, such as cemetery, garden center and animal uses.

STANDARDS FOR REZONING

Illinois courts have used an established set of criteria when evaluating the validity of zoning changes. The criteria are known as the LaSalle factors, as they were established in a 1957 lawsuit and serve as a useful guide to planners and appointed and elected officials who are

contemplating zoning changes. The LaSalle factors are as follows with Staff analysis for the Main Street parcel, south of the railroad tracks and adjacent to Walker & Main:

1. The compatibility with the existing use and zoning of nearby property;

Analysis: The existing use and zoning of nearby property is primarily vacant residential, zoned both medium and high density. The property to the south across Main Street is zoned R-5 and developed as the Franciscan Village where hundreds of senior residents reside. The property to the north is B-4 Commercial Recreation. It is owned by the Lemont Township and LTAP and used as active and passive open space and it includes the HQRA. There are railroad tracks separating the subject property from the property to the north. The continuation of the B-4 zoning with the Main Street parcel and LTAP property to the north would be appropriate with an associated adventure park use. Although the subject property is surrounded by primarily residentially zoned land, the actual use of the properties is vacant, with the exception of Franciscan Village.

2. The extent to which property values of the subject property are diminished by the existing zoning restrictions;

Analysis: The property values of the subject property are not diminished by the existing zoning restrictions but will likely increase with a rezoning to B-4 with the additional specific uses. The property value increase is likely associated with the development of the adventure park adjacent to the Main Street parcel and the proposed intersection improvement at the corner of Walker & Main. Improved access to the Main street parcel would increase its property values whether or not it was B-4 or remained B-3; however, the proposed improvements to Walker Road and access to Main Street are a part of the larger Forge project which includes the proposed rezoning to B-4. The development of the adventure park will likely increase the property values of all adjacent parcels as it is a unique and attractive development not available in this metropolitan area, region or state.

3. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village;

Analysis: It is difficult to determine the Main Street parcel's impact on the Village's public health, safety and welfare without a plan for to fully understand the future of this parcel. Although, with its ties and association to the adventure park, it will promote public health by encouraging outdoor activity and physical activities for residents in the Village. The improvement of the adjacent intersection at the corner of Main and Walker with a stoplight to be installed in conjunction with Phase II and any development of the Main Street parcel will promote safety with better traffic management. The entire Forge adventure park and its anticipated uses on the Main Street parcel including a possible hotel, restaurant or more indoor recreation activities, promotes the welfare of the Village as it will attract visitors from the surrounding region that will then spend time and money in the Village of Lemont.

4. The relative gain to the public, as compared to the hardship imposed upon the applicant;

Analysis: The current zoning of B-3 with restricted associated uses does not impose a hardship on the current property owners, but it was allowed with the intentions of coming back to the Village to request the congruent B-4 zoning. The rezoning to B-4 will be more in line with the entire Forge proposal and meet the conditions of the Preliminary PUD approved in June 2019. The public does benefit from the rezoning (public improvements such as Walker Road, railroad crossing, etc.) in addition to the public benefit from the ‘private’ uses of the property (restaurant, hotel, etc.).

5. The suitability of the subject property for the purposes for which it is presently zoned;

Analysis: The property was zoned B-3 with the anticipation it would be rezoned to B-4 in order to further the uses associated with the Forge Adventure Park. While the Comprehensive Plan designates this area as multi-family midrise (MFM), the former R-5 zoning district is not necessarily compatible as R-5 zoning allows duplexes, attached residential and townhomes, significantly less density. According to the 2030 plan, MFM are larger scale condominium buildings on sites of at least 10 acres. The subject property is less than ten acres at 6.5 acres and the adjacent properties that are also designated MFM are smaller narrow of much less than ten acres each. Typically, it is desirable to construct higher density residential in close proximity to transit, retail and open space. While there is and will be more active and passive open space to the north of the Main Street parcel with the Forge, HQRA and Lemont Township, LTAP is proposing the safe pedestrian connection over the railroad tracks in Phase II and with the development of the Main Street parcel. Without LTAP providing the safe pedestrian connection to the open space beyond the tracks, it would likely not get built with another project or by the Village or other entity. Even though the Comprehensive Plan designates the subject property as residential, its proximity to a major roadway with heavier truck traffic and active railroad tracks may not as suitable for residential use, especially with the adventure park opportunity.

6. The length of time that the subject property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located;

Analysis: The subject property has been vacant as B-3 since June 10, 2019. Prior to the B-3 rezoning, the subject property was annexed in 2009 and had been zoned R-5; approved for a 196-unit townhome development. The development never came to fruition and sat vacant without development for 10 years. In the meantime, other townhome developments such as Singer Landing and Bella Strada, have been built to the west of the subject property but with much closer proximity to downtown. There has not been any development in the past 10 years adjacent to the subject property or in the direct area where the property is located. The B-3 zoning was intended to be temporary until the applicant applied to obtain B-4 zoning for the Forge development.

7. The public need for the proposed use; and

Analysis: It may be difficult to fully determine the public need for the proposed use of the B-4 property without a formalized plan; however, if the use on the subject property will be an extension or in conjunction with the proposed adventure park on adjacent property, it would increase the public need. A hotel to house event participants or host corporate adventure training occasions would garner a higher public need. As noted, there is no formal site plan or specific use proposed for the site; however, in general, the uses in the B-4 would be in harmony with the larger Forge project which create a public benefit. The need to rezone the property to B-4 at this time is desired by the applicant for entitlements and funding.

8. *The thoroughness with which the municipality has planned and zoned its land use.*

Analysis: The Village has been thorough with its planning and land use zoning, especially with the adoption of the Lemont 2030 Comprehensive Plan. The Comprehensive Plan designates the subject property and the area surrounding the subject property MFM (or residential in general) likely because of the townhome proposal that was entitled in 2009. The Comprehensive Plan was adopted in 2014 and it would be expected the future land use plan would be in line with the zoning of vacant land in the Village at the time of adoption. Since there was a [unbuilt] residential proposal, it is typical to assume it would develop as another residential development in the Comprehensive Plan even if this may not be the most appropriate land use for this site.

It is possible that if the property was never proposed for residential development, it could have been sitting vacant and/or zoned for another type of use. Vacant land should not have to stay a zoning district or type of land use due to a failed development proposal ten years ago, but there should be caution taken with the rezoning of property without a plan. While remaining hopeful the Forge will be successful and the Main Street parcel will develop as an associated adventure park use, it is possible it could be sold off to be developed by another user. All scenarios must be considered when a rezoning is proposed. Although, it is in the Village's best interest to rezone to B-4 with additional specific Forge related uses rather than the parcel remain B-3. See further analysis below as it pertains to the Lemont 2030 Plan.

GENERAL ANALYSIS

Consistency with Lemont 2030 Plan. The Comprehensive Plan map designates the Main Street parcel Multi-Family Midrise (MFM). The following describes MFM in the plan:

“Larger scale multi-family development such as apartment complexes and multi-building condominium developments. These developments will generally feature more than one buildings on sites of at least 10 acres. Within each site, building locations, open space, parking and stormwater detention are balanced and properly integrated. Buildings in this district will generally be three to six stories.”

While the proposed rezoning for the Main Street parcel is not in agreement with the land use map included in the Comprehensive Plan, the Forge Adventure Park concept as a whole fits well within the goals and objectives of the Lemont 2030 plan. The Comprehensive Plan is meant to be a guiding document for staff, elected officials, appointed commissions and residents. While the plan is very thorough and contains excellent recommendations for the best of the Village, it is not a binding document that must be exactly followed word for word. There are situations when a project comes forward that was not anticipated at the time of the Comprehensive plan, that meets and exceeds the expectations of the Village and its representatives. The subject property is an important piece of the Forge that connects its adventure park area to a major access way (Main Street) in order to provide better connectivity, circulation, visibility and presence. Also to be considered, if the subject property were to develop as a hotel or an indoor recreation building, the size and scale could be similar to the look of a multi-story condominium or apartment building, which is what the 2030 Plan calls for on this property.

As previously mentioned, it is likely this area was indicated to be MFM in the Comprehensive Plan due to the unbuilt but approved townhome subdivision proposed in 2009. It is typical to assume a land use of a certain kind in an area or on a specific property when a proposal goes through entitlements and gets to an approval stage. It must be noted that the subject property does not meet the 'description' of the MFM as the subject property is not ten acres. Additionally, it is traditionally better planning practice to construct high-density residential near transit, safe pedestrian pathways, accessible open space and in close proximity to shopping and retail. The subject property does not meet any of these parameters.

CONCLUSIONS & RECOMMENDATIONS

As found in the previous PZC meeting to discuss the project, the proposed overall Forge development suitably meets and accomplishes many of the goals of the Lemont 2030 Comprehensive Plan. Pertaining to the rezoning of the Main Street parcels to B-4, the proposed rezoning of the subject property allows for complementary land uses to the entire Forge project. The development of the Main Street parcels will allow for safer, more visible and better access to the planned Forge activities along the I&M Canal on LTAP, Lemont Township and Village of Lemont property. The B-4 Zoning will be a continuation of a more appropriate zoning district for the Forge Adventure Park (B-4), which is encouraged by the Lemont 2030 Comprehensive Plan. The uses in the B-4 would be in harmony with the larger Forge project which could create a public benefit. Lastly, rezoning of the subject property to B-4 is a condition of the Preliminary PUD (O-41-19).

Staff is recommending approval of the Rezoning of B-3 Arterial Commercial District to B-4 Commercial Recreation District for the Main Street parcels with the following conditions:

1. The B-3 uses of a hotel, restaurant, office/administration building, and/or indoor recreation facilities are allowed on the 6.5-acre Main Street Parcels as part of the rezoning and PUD Amendment.
2. For the 6.5-acre Main Street property at the northwest intersection of Walker & Main, the animal shelter & kennel use, animal grooming & sales, animal veterinarian, garden center use or cemetery on this property, are not allowed as part of the approved Forge PUD.
3. Obtain a Plat of Consolidation for the Main Street parcels to create one B-4 lot.

ATTACHMENTS

1. Site Photograph
2. Plat of Survey for subject property
3. Rezoning Application
4. O-39-19 Rezoning Ordinance for the Forge
5. O-41-19 Preliminary PUD Phase II of the Forge

Attachment 1: Site Photo



Figure 1: View looking north from Main Street at the intersection of Walker Road



THE FORGE

**LEMONT
QUARRIES**

41.6736° N, 88.0017° W

July 12, 2019

Mr. Mark Herman
Community Development Manager
Village of Lemont
418 Main St.
Lemont, IL 60439

RE: The Forge Rezoning Application and Phase I Final PUD and Phase II Preliminary PUD Revisions

Dear Mark:

In accordance with the above project's approved Final and Preliminary PUDs, enclosed please find the application for rezoning and accompanying requested revision to the PUD's to reflect said rezoning uses.

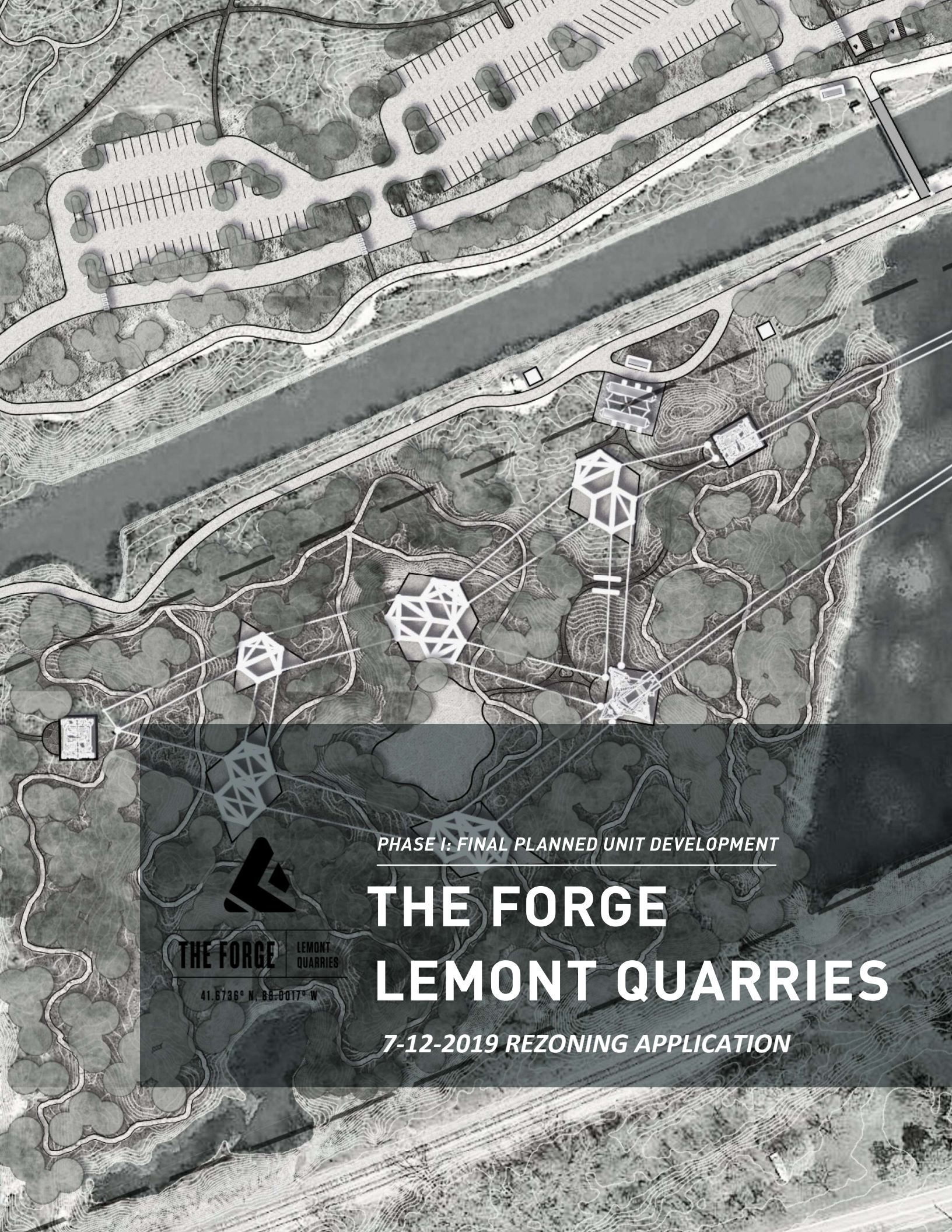
The enclosed represents LTAP's rezoning application specific to the Main Street parcels that comprise the project. We are herein requesting that the zoning for the parcels identified below be change from B-3 to B-4 with the following specified uses (as such uses would be allowable in a B-3 zoning district): hotel, restaurant, office/administration building and/or indoor recreation facilities. This letter acts as the application for revision of the approved PUD's to reflect the specified uses under a B-4 zoning.

14411-14597 Main Street, Lemont, IL and PIN's: 22-21-200-031-0000 (14501 Main); 22-21-200-077-0000 (14597 Main); 22-21-200-020-0000 (14453 Main); 22-21-200-030-0000 (14453 Main); 2-21-200-021-0000 (14437 Main); 22-21-200-015-0000 (14429 Main); 22-21-200-026-0000 (14423 Main); and 22-21-200-009-0000 (14411 Main).

Sincerely,

Bartly Loethen
Manager
LTAP Acquisition, LLC

Cc: SITE Design



PHASE I: FINAL PLANNED UNIT DEVELOPMENT



THE FORGE

LEMONT
QUARRIES

41.6736° N, 88.0077° W

THE FORGE LEMONT QUARRIES

7-12-2019 REZONING APPLICATION

Rezoning Application Form

APPLICANT INFORMATION

LTAP Acquisition, LLC

Applicant Name

The Forge Adventure Park

Company/Organization

340 River St., Lemont, IL 60439

Applicant Address

(630) 326-3475

Telephone & Fax

jeanette@theforgeparks.com

E-mail

CHECK ONE OF THE FOLLOWING:

- Applicant is the owner of the subject property and is the signer of this application.
- Applicant is the contract purchaser of the subject property.
- Applicant is acting on behalf of the beneficiary of a trust.
- Applicant is acting on behalf of the owner.

PROPERTY INFORMATION

Refer to Attachment 1

Address of Subject Property/Properties

Parcel Identification Number of Subject Property/Properties

Size of Subject Property/Properties

6.5 ± acres

DESCRIPTION OF REQUEST

Requested Zoning: Refer to Attachment 1: Identified Main St. Parcels to be rezoned from B-3 to B-4 with specified uses.

REQUIRED DOCUMENTS

See Form 502-A, *Rezoning Application Checklist of Required Materials*, for items that must accompany this application.

FOR OFFICE USE ONLY

Application received on: _____ By: _____

Application deemed complete on: _____ By: _____

Current Zoning: _____

Fee Amount Enclosed: _____ Escrow Amount Enclosed: _____

Rezoning Application Form

Village of Lemont

APPLICATION FEE & ESCROW

Application Fee (based on size of property to be rezoned):

< 2 acres = \$300

10 to < 20 acres = \$1,000

Not Applicable

2 to < 5 acres = \$500

20 acres or more = \$1,250

5 to < 10 acres = \$750

Fee is non-refundable.

Required Escrow = \$500

At the time of application, the applicant shall submit a check for the establishment of an escrow account. The escrow money shall be used to defray costs of public notice, consultants, or other direct costs incurred by the Village in association with the rezoning application. Additionally, should the applicant fail to remove the required public notice sign in a timely manner, the escrow account may be used to defray the costs of the sign's removal. After completion of the rezoning review process, any unused portion of the escrow account will be refunded upon request.

AFFIRMATION

I hereby affirm that I have full legal capacity to authorize the filing of this application and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. I permit Village representatives to make all reasonable inspections and investigations of the subject property during the period of processing of this application. I understand that as part of this application I am required to establish an escrow account to pay for direct costs associated with the approval of this application, such as the fulfillment of public notice requirements, removal of the public notice sign, taking of minutes at the public hearing and fees for consultants hired by the Village to evaluate this application. I understand that the submitted fee is non-refundable and that any escrow amount leftover upon project completion will be refunded upon request. I understand that I am responsible for the posting of a public hearing sign and for the mailing of legal notice to all surrounding property owners as required by Village ordinances and state law.

July 12, 2019

Signature of Applicant

Date

Illinois

Cook

State

County

I, the undersigned, a Notary Public in and for the aforesaid County and State, do hereby certify that Barth Lothman is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Notary Signature

Given under my hand and notary seal this 12th day of July A.D. 20 19.

My commission expires this 10 day of 22 A.D. 20 19.



Rezoning Application Checklist of Required Materials

Materials Required at Submittal of Application

A complete application for a rezoning must include **all** of the following items. Any application that does not include all of the following items will not be considered complete. The Community Development Department **will not** schedule a public hearing for any rezoning request until a complete application has been submitted.

 X **Application Form.** One original copy of the attached *Rezoning Application Form*, signed by the applicant and notarized.

 NA **Application Fee.** A non-refundable fee in the appropriate amount.

 Escrow Account. Any unused portion may be refunded upon request after completion of the rezoning review process.

Refer to **Proof of Ownership & Applicant Authorization.** One copy of a deed
Attachment that documents the current ownership of the subject property. If the
 2 applicant is the owner, this is the only documentation necessary. If the
 applicant is not the owner, the following are required in addition to a copy
 of the deed:

- If the applicant is the contract purchaser of the property, a copy of said contract must be attached.
- If the applicant is acting on behalf of the beneficiary of a trust, a notarized letter from an authorized trust officer identifying the applicant as an authorized individual acting in behalf of the beneficiaries must be attached. The letter must also provide the name, address and percentage of interest of each beneficiary.
- If the applicant is acting on behalf of the owner, a notarized letter of consent from the owner must be attached.

If the property owner is a company, a disclosure of the principals of the company must be included in the application materials. For example, an LLC may submit a copy of the LLC Management Agreement.

Submittal Packet. 6 collated copies of a submittal packet for distribution at public meetings and one digital copy for Village files. Additional copies of the submittal packet may be required after initial submission of the rezoning application. Community Development Staff will advise if/when additional copies are needed.

Any plans and maps included in the submittal packet should contain the following: a north arrow or other indication of true north or map north; the date of map/plan preparation; the name of the person preparing the map/plan; and a scale, the scale may be expressed verbally (e.g. 1 inch equals 60 ft.) but other forms of scale are preferable (e.g. scale bar or ratio such as 1:24,000). All plats should be printed on at least 11"x17" sized paper.

The submittal packet shall include the following:

- Refer to Attachment 1.
 - **Project Summary.** A written overview of any proposed development on the property to be rezoned. This overview should include a quantitative summary that includes the following, as applicable:
 - Acreage and/or square footage of subject site
 - Square footage of commercial space
 - Proposed residential density (# dwelling units/gross site area)
 - Total square footage covered by structures
 - Total square footage covered by roads and other impervious surfaces
 - Total square footage of commonly owned and maintained open space
 - Number of off-street parking spaces
- Refer to Attachment 2.
 - **Legal Description.** A legal description of the subject property.
- Refer to Attachment 3.
 - **Plat of Survey.**
 - **Additional Plans or Documents as Required by the Community Development Director.** Department staff will advise if any additional materials are necessary.

PARCEL ADDRESSES & PINS



LTAP Property (Private - yellow highlighted):

Imagery ©2018 Google, Map data ©2018 Google 200 ft

Main Street Parcels: (14411-14597 Main Street, Lemont, IL)-- PIN's: 22-21-200-031-0000 (14501); 22-21-200-077-0000 (14597); 22-21-200-020-0000 (14453); 22-21-200-030-0000 (14453); 22-21-200-021-0000 (14437); 22-21-200-015-0000 (14429); 22-21-200-026-0000 (14423); 22-21-200-009-0000 (14411); 12 acres North of Tracks: (14505 Illinois & Michigan Canal, Lemont, IL); PIN: 22-21-200-080-0000

Presently B-3 Zoning to be switched to B-4 with specified uses

Lemont Township Parcels (light green highlighted): PIN's: 22-21-200-081-0000 (14507 Main St.), 22-21-200-078-0000 (14501 Main St.), 22-21-100-039-0000 (15185 Main St.)

Village of Lemont/I&M Canal Reserve Strip) (light blue highlighted): PIN's: a portion of 22-21-200-044-0000 (11270 Boyer St.) and a portion of 22-21-100-030-0000 (14701 Main St.)-- to be rezoned by the Village of Lemont

<https://www.google.com/maps/@41.6819517,-87.9776387,584m/data=!3m1!1e3>



CHICAGO TITLE INSURANCE COMPANY

LETTER REPORT

Customer Name and Address:

Tucker Ellis LLP
233 S. Wacker Dr. , Suite 6950
Chicago, IL 60606

Order No.: 19005680S

Please Direct Inquiries To:

Chicago Title Company, LLC
820 Parkview Boulevard
Lombard, IL 60148
(800)284-7545

Customer Reference:

PUD PROPERTIES

Borrower Name and Address:

MAIN STREET PARCELS (SEE PINS AND MAP)
Lemont, IL 60439

Effective Date: February 25, 2019

Property: MAIN STREET PARCELS (SEE PINS AND MAP)
Lemont, IL 60439

A. Last Grantee Of Record:

LTAP ACQUISITION, LLC

B. Current Year Real Estate Tax Information:

TAX ID #: 22-21-200-031-0000, 22-21-200-077-0000, 22-21-200-020-0000, 22-21-200-030-0000, 22-21-200-021-0000, 22-21-200-015-0000, 22-21-200-026-0000, 22-21-200-009-0000 and 22-21-200-080-0000

No search has been made for tax search.

C. Mortgages, Judgments And Other Liens Of Record:

1. No unreleased Mortgages, Trust Deeds or Mechanic's Lien claims appear of record.
2. No search has been made for judgment records.

D. Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF



CHICAGO TITLE INSURANCE COMPANY

LETTER REPORT

(continued)

TERMS AND CONDITIONS

This search is of the land described herein by legal description and where based upon a street address furnished by applicant, the Company assumes no liability for the accuracy of the determination that the street address so furnished and listed, and the land described by legal description, constitutes the same premises. This search is made of Property Insight (and in certain situations, other) tract indices, which are geographic indices organized by legal description. Recorded instruments, including deeds or mortgages, which do not contain legal descriptions, are not posted in such tract indices and will not be disclosed by this search.

In the event of error in the posting or searching of the said indices or in the reporting of the requested information, applicant agrees that the liability of the Company is limited to actual damages sustained by applicant, but in no event shall such liability exceed Ten Thousand And No/100 Dollars (\$10,000.00), in the aggregate, for all searches ordered by a single application. If applicant does not pay the Company search charges within thirty (30) days of placement of order, the Company shall be relieved of all liability for error. The Company does not analyze instruments for legal sufficiency. Instruments are posted to tract indices and reported by searchers based upon the characterization of the instrument by its preparer. This search is not a title insurance policy, guarantee, or opinion of title and should not be relied upon as such.

This search is made by the Company solely for the benefit of the applicant. No third party (other than a party making a loan on the land described herein) shall have any right to rely on said search for any purpose whatsoever under any third party beneficiary theory, products liability theory or any other theory of law whatsoever.

U.S. Fair Credit Reporting Act, 15 U.S.C. 1681-1681t Statement:

This search is furnished by the Company for the purpose of providing information relative to the record ownership of the subject land and without any regard to the credit worthiness of the particular parties who have owned or possessed the land during the search period.

The information furnished on this search is based on the spelling of the names searched as furnished by the applicant. Items posted against corporate names, the spelling of which may vary from the corporate name search by us, have not been shown.

This search does not show judgments unless a memorandum of the judgment has been filed in the County Recorder's Office pursuant to 735 ILCS 5/12-101.

No search has been made of the index in the district office of the Internal Revenue Service under Sec. 6323(f)(4) of the Internal Revenue Code.

The applicant acknowledges that this search will be used only for the purposes certified in the application previously furnished us, and is not to be used contrary to the provisions of the Fair Credit Reporting Act (FCRA), 15 U.S.C. 1681-1681t.

NOTE: The Company is forbidden by the FCRA from disclosing in response to an application any bankruptcy more than fourteen (14) years old, any suit or judgment more than seven (7) years old (unless the governing statute of limitations has not expired), changes of name, divorces or incapacities if more than seven (7) years old, except as otherwise provided in the FCRA.

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 22-21-200-031-0000, 22-21-200-077-0000, 22-21-200-020-0000, 22-21-200-030-0000, 22-21-200-021-0000, 22-21-200-015-0000, 22-21-200-026-0000, 22-21-200-009-0000 and 22-21-200-080-0000

PARCEL 1:

THE WESTERLY 50 FEET OF THE EASTERLY 550 FEET AS MEASURED ON THE SOUTHERLY LINE OF LOT "A", BEING THE NORTHERLY LINE OF THE CHICAGO AND JOLIET ROAD, OF THE SOUTHERLY 200 FEET OF LOT "A" IN THE CONSOLIDATION OF LOTS 3 TO 33, BOTH INCLUSIVE, AND LOT 35, IN COUNTY CLERK'S DIVISION OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

22-21-200-031-0000

PARCEL 2:

LOT "A" EXCEPT THAT PART LYING SOUTHERLY OF A LINE PARALLEL TO AND 200 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO THE SOUTHEASTERLY LINE OF LOT "A" (SAID SOUTHERLY LINE OF LOT "A" BEING THE NORTHERLY LINE OF THE CHICAGO AND JOLIET ROAD) IN THE CONSOLIDATION OF LOTS 3 TO 33, BOTH INCLUSIVE, AND LOT 35 IN COUNTY CLERK'S DIVISION OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AND THE WESTERLY 100 FEET OF THE EASTERLY 500 FEET OF THE SOUTHERLY 200 FEET OF LOT "A" ALSO SOMETIMES KNOWN AS LOTS 11 AND 12, IN CONSOLIDATION OF LOTS 3 TO 33, INCLUSIVE, AND LOT 35 IN COUNTY CLERK'S DIVISION OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

22-21-200-077-0000

PARCEL 3:

LOTS 9 AND 10, BEING THE WESTERLY 100 FEET OF THE EASTERLY 400 FEET OF THE SOUTHERLY 200 FEET OF LOT "A" IN THE CONSOLIDATION OF LOTS 3 TO 33, BOTH INCLUSIVE, AND LOT 35 IN COUNTY CLERK'S DIVISION OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

22-21-200-020-0000

PARCEL 4:

THE WESTERLY 50 FEET OF THE EASTERLY 300 FEET AS MEASURED ON THE SOUTHERLY LINE OF LOT "A", BEING THE NORTHERLY LINE OF THE CHICAGO JOLIET ROAD, OF THE SOUTHERLY 200 FEET OF LOT "A" IN THE CONSOLIDATION OF LOTS 3 TO 33, BOTH INCLUSIVE, AND LOT 35, IN COUNTY CLERK'S DIVISION OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

22-21-200-030-0000

PARCEL 5:

THE WESTERLY 100 FEET OF THE EASTERLY 250 FEET AS MEASURED OF LOT "A" IN CONSOLIDATION OF LOTS 3 TO 33, BOTH INCLUSIVE, AND LOT 35 IN COUNTY CLERK'S DIVISION OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,

EXHIBIT "A"
Legal Description

ILLINOIS.

22-21-200-021-0000

PARCEL 6:

THE WESTERLY 50 FEET OF THE EASTERLY 150 FEET OF THE SOUTHERLY 200 FEET OF LOT "A" IN CONSOLIDATION OF LOTS 3 TO 33, BOTH INCLUSIVE, AND LOT 35 IN COUNTY CLERK'S DIVISION OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

22-21-200-015-0000

PARCEL 7:

THE EASTERLY 100 FEET (MEASURED ON THE SOUTHERLY LINE OF LOT "A" BEING THE NORTHERLY LINE OF THE CHICAGO AND JOLIET ROAD) OF THE SOUTHERLY 200 FEET OF LOT "A" IN CONSOLIDATION OF LOTS 3 TO 33, BOTH INCLUSIVE, AND LOT 35 IN THE COUNTY CLERK'S DIVISION OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

22-21-200-026-0000

PARCEL 8:

LOTS 1 AND 2 IN COUNTY CLERK'S DIVISION OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

22-21-200-009-0000

PARCEL 9:

THAT PART OF LOT 36 LYING EAST OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 21 AND THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO & ALTON RAILROAD RIGHT OF WAY; THENCE SOUTH 65°10'04" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE 1130.0 FEET TO THE POINT OF BEGINNING; THENCE NORTH 12°51'21" WEST 190 FEET; THENCE NORTH 33°38'13" EAST 53 FEET; THENCE NORTH 16°01'08" WEST 105 FEET; THENCE NORTH 41°28'15" WEST 143.66 FEET TO THE NORTH LINE OF SAID LOT 36, ALL IN THE COUNTY CLERK'S DIVISION OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

VILLAGE OF LEMONT

ORDINANCE NO. 0-39-19

AN ORDINANCE AMENDING THE ZONING MAP OF THE VILLAGE OF LEMONT FROM R-1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT AND R-5 SINGLE-FAMILY ATTACHED DISTRICT TO B-4 COMMERCIAL RECREATION DISTRICT AND B-3 ARTERIAL COMMERCIAL DISTRICT AT THE NORTHWEST CORNER OF WALKER ROAD AND MAIN STREET, 14501-14507 MAIN STREET AND 14505 ILL & MICHIGAN CANAL IN LEMONT, IL

(The Forge)

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 10th DAY OF JUNE, 2019**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this 10th day of June, 2019.**

ORDINANCE NO. 0-39-19

AN ORDINANCE AMENDING THE ZONING MAP OF THE VILLAGE OF LEMONT FROM R-1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT AND R-5 SINGLE-FAMILY ATTACHED DISTRICT TO B-4 COMMERCIAL RECREATION DISTRICT AND B-3 ARTERIAL COMMERCIAL DISTRICT AT THE NORTHWEST CORNER OF WALKER ROAD AND MAIN STREET, 14501-14507 MAIN STREET AND 14505 ILL & MICHIGAN CANAL IN LEMONT, IL

(The Forge)

WHEREAS, LTAP Acquisition, LLC (hereinafter collectively referred to as the “Petitioner”), are the owners and/or lessees of the property covering approximately 40.5 acres located at the northwest corner of Walker Road & Main Street, 14501-14507 Main Street, 14505 ILL & Michigan Canal and legally described and depicted in Exhibit A (“Subject Property”); and

WHEREAS, the Petitioner applied pursuant to the provisions of the Lemont, Illinois Municipal Code, Title 17 Unified Development Ordinance for a zoning map amendment from R-5 Single-Family Attached District to B-3 Arterial Commercial District for the Subject Property at the northwest corner of Main Street and Walker Road (14411-14597 Main Street) (PINS: 22-21-200-031-0000, 22-21-200-077-0000, 22-21-200-020-0000, 22-21-200-030-0000, 22-21-200-021-0000, 22-21-200-015-0000, 22-21-200-026-0000, 22-21-200-009-0000); and

WHEREAS, the Petitioner applied pursuant to the provisions of the Lemont, Illinois Municipal Code, Title 17 Unified Development Ordinance for a zoning map amendment from R-1 Single-Family Detached Residential District to B-4 Commercial Recreation District for the Subject Property north of the railroad tracks (14505 Illinois & Michigan Canal, 14507 Main Street, 14501 Main Street, 15185 Main Street, a portion of 11270 Boyer Street, a portion of 14701 Main Street) (PINS: 22-21-200-080-0000, 22-21-200-081-0000, 22-21-200-078-0000, 22-21-100-039-0000, a portion of 22-21-200-044-0000, a portion of 22-21-100-030-0000); and

WHEREAS, the Planning and Zoning Commission of the Village of Lemont, Illinois conducted a public hearing on May 1, 2019 for the rezoning request and voted 6-0 to recommend approval of the rezoning of parcels north of the railroad tracks to be B-4 and did not recommend the rezoning of the Main Street parcels to B-3; and

WHEREAS, the subject property is *shown* to be R-1 and R-5; but the R-5 zoning granted with Ordinances O-47-09 and O-49-09 expired on June 13, 2012 per R-43-11, so while the zoning map shows the subject property as R-5, the zoning should be R-1; and

WHEREAS, a notice of the aforesaid public hearing was made in the manner provided by law and was published in the *Daily Southtown*, a newspaper of general circulation within the Village; and

WHEREAS, the President and Board of Trustees of the Village have reviewed the matter

herein and have determined that the zoning map amendment is in the best interest of the Village of Lemont, and hereby adopts the finding of facts as set forth in Exhibit B.

NOW THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Lemont, Counties of Cook, Will and DuPage, Illinois, as follows:

SECTION 1: Incorporation of Recitals. The foregoing findings and recitals are hereby adopted as Section 1 of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: Zoning Map Amendment Approved. That the Subject Property described in Exhibit A is hereby rezoned from its current R-1 and R-5 Zoning Districts to the B-3 and B-4 Zoning Districts. The zoning map of the Village of Lemont is hereby amended in accordance with the provisions of this Ordinance.

SECTION 3: Conditions. The rezoning shall have the following conditions:

1. The northwest corner of Main Street and Walker Road property zoned B-3 shall be restricted to the following uses: hotel, restaurant, office/administration building, and/or indoor recreation facilities; and
2. If the Main Street parcels zoned B-3 Arterial Commercial District do not develop in five (5) years from the date of this ordinance, the zoning will revert back to R-1, Single-Family Detached Residential District.


SECTION 4: That the Village Clerk of the Village of Lemont be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the Statutes of the State of Illinois, made and provided.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE, ILLINOIS, on this 10th DAY OF JUNE, 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Janelle Kittridge	<u>✓</u>	_____	_____	_____
Ryan Kwasneski	<u>✓</u>	_____	_____	_____
Dave Maher	<u>✓</u>	_____	_____	_____
Ken McClafferty	<u>✓</u>	_____	_____	_____
Rick Sniegowski	<u>✓</u>	_____	_____	_____
Ron Stapleton	<u>✓</u>	_____	_____	_____



JOHN EGOFKSKE, President

ATTEST:



CHARLENE M. SMOLLEN, Village Clerk

EXHIBIT A

Legal Description of Subject Property

EXHIBIT B

FINDINGS. Based upon the evidence and testimony presented in the public hearing, the Lemont Village Board of Trustees finds the following:

1. The Lemont 2030 Comprehensive Plan's future land use map designates the subject site Multi-Family Midrise (MFM) and Open Space and Recreation (OS&R).
2. The subject property achieves many of the goals of the Lemont 2030 Comprehensive plan.
3. The request is consistent with the surrounding land uses.
4. The requested rezoning generally meets the standards for granting rezonings.

VILLAGE OF LEMONT
ORDINANCE NO. 0-41-19

**AN ORDINANCE GRANTING PRELIMINARY PLANNED UNIT
DEVELOPMENT (PUD) PLAN APPROVAL FOR PHASE II OF THE FORGE
ADVENTURE PARK LOCATED AT THE NORTHWEST CORNER OF WALKER
ROAD AND MAIN STREET, 14501-14507 MAIN STREET AND 14505 ILL &
MICHIGAN CANAL IN LEMONT, ILLINOIS**

(The Forge Phase II)

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LEMONT
THIS 10th DAY OF JUNE, 2019**

**Published in pamphlet form by
Authority of the President and
Board of Trustees of the Village of
Lemont, Counties of Cook, Will and
DuPage, Illinois, this 10th day of June, 2019.**

ORDINANCE NO. 0-41-19

AN ORDINANCE GRANTING PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) PLAN APPROVAL FOR PHASE II OF THE FORGE ADVENTURE PARK LOCATED AT THE NORTHWEST CORNER OF WALKER ROAD AND MAIN STREET, 14501-14507 MAIN STREET AND 14505 ILL & MICHIGAN CANAL IN LEMONT, ILLINOIS

(The Forge Phase II)

WHEREAS, LTAP Acquisition, LLC (hereinafter collectively referred to as the “Petitioner”), are the owners and/or lessees of the property covering approximately 40.5 acres located at the northwest corner of Walker Road & Main Street, 14501-14507 Main Street, 14505 ILL & Michigan Canal and legally described and depicted in Exhibit A (“Subject Property”); and

WHEREAS, the Petitioner applied pursuant to the provisions of the Lemont, Illinois Municipal Code, Title 17 Unified Development Ordinance (“UDO”) seeking a special use for a preliminary planned unit development, consisting of the following (hereinafter referred to as “Forge Phase II PUD”):

1. Phase II Preliminary PUD Plans with Summary Letter dated 3/29/2019, attached hereto and incorporated herein as Exhibit B; which include:
 - a. Preliminary PUD/Plat Application dated 1/3/2019
 - b. Traffic Impact Study for Phase II dated 11/14/2019
 - c. Alta / Plat of Survey by Terra Engineering LTD dated 6/21/2018; and
 - d. Site Plan by John Ronan Architects dated 11/21/2018; and
 - e. Engineering plans by Terra Engineering Ltd., issued by Ronan dated 11/21/2018; and
 - f. Landscape Plans by Site Design Group, issued by Ronan dated 11/21/2018
 - g. Tree Survey by Applied Ecological Services dated 6/15/2018; and
 - h. Building Elevations by John Ronan Architects dated 11/21/2018; and
 - i. Sign Plan; and
 - j. Wetland Delineation Information by Applied Ecological Services dated 3/13/2019; and

WHEREAS the Planning and Zoning Commission of the Village of Lemont, Illinois, in accordance with the UDO, conducted a public hearing on the petition on May 1, 2019 and voted 6-0 to recommend approval of the Petitioner’s request, with conditions; and

WHEREAS, a notice of the aforesaid Public Hearing was made in the manner provided by law and was published in the *Daily Southtown*, a newspaper of general circulation within the Village; and

WHEREAS, the President and Board of Trustees of the Village have reviewed the matter herein and have determined that the same is in the best interest of the public health, safety and welfare of the residents of the Village of Lemont, and hereby adopt the finding of facts as set forth in Exhibit C.

NOW THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Lemont, Counties of Cook, Will and DuPage, Illinois, as follow:

SECTION 1: Incorporation of Recitals. The foregoing findings and recitals are hereby adopted as Section 1 of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: UDO Deviations. The following deviations from the Unified Development Ordinance and detailed in plans set forth in the Recitals are granted as provided and conditioned in this Ordinance:

- a) §17.07.010 and Table 17-07-02. Adventure towers will reach approximately 115-120' in height and the principal buildings shown on Phase II building elevations plans only in Exhibit B will exceed maximum height shown at approximately 90 feet in height; and
- b) §17.11.04, §17.11.090 and §17.113.150. Allows signs to be painted directly on exterior walls of cargo units; and
- c) §17.21.040. Allows steel cargo containers to be utilized as structures/buildings for The Forge; and
- d) §17.07.010 and Table 17-07-02. Allows reduced setbacks for buildings in B-4 only shown on site plan for Phase II provided in Exhibit B; and
- e) §17.10.070 D., §17.26.020 and §17.26.100 A. Allows for a parking lot and access driveways with gravel surfaces and without curb and gutter; and
- f) §17.12.040. To allow a fence up to 8 feet in height.

SECTION 3: Conditions. The special use for a planned unit development shall have the following conditions:

- 1. **General Conditions.** Unless otherwise approved by the Village Board the Subject Property shall be developed and maintained in accordance with Village Code, the approved plans, and the exhibits to this Ordinance.
- 2. **Specific Conditions.** The following specific conditions shall apply:
 - a. LTAP will enter into and formalize an agreement with Village and Township to allow for the development, maintenance, and access of the parking area on the property north of the canal.

- b. LTAP will enter into and formalize an agreement with Village and Township regarding the maintenance and responsibility of the gravel access road/pathway leading from Talcott & Main, particularly for Phase I, but for all future phases as well since this road will always be open.
- c. The applicant will enter into and formalize agreement with the Village to allow for the encroachment into Village property along the Canal strip.
- d. LTAP will provide a photometric plan to ensure lighting is appropriate.
- e. Address any issues or concerns highlighted by the Village's traffic engineering consultant.
- f. Address the outstanding issues as noted by the Consulting Planner, Village Engineer and Fire Marshal in their attached, provided in Exhibit D.
- g. LTAP and its representatives will apply best practices for tree preservation during construction.
- h. A traffic signal shall be installed at the intersection of Walker Road & Main Street, as according to the recommendation of the traffic impact study for Phase II.
- i. The property owner/applicant will obtain B-4 zoning entitlement for the subject property at the northwest corner of Walker Road and Main Street.

SECTION 4: The planned unit development approval shall lapse in the event the Petitioner does not commence site development within five (5) years of the effective date of this ordinance.

SECTION 5: The Village Clerk of the Village of Lemont be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the Statutes of the State of Illinois, made and provided.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication provided by law.

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LEMONT, COUNTIES OF COOK, WILL, AND DUPAGE, ILLINOIS, on this 10th DAY OF JUNE, 2019.

PRESIDENT AND VILLAGE BOARD MEMBERS:

	AYES:	NAYS:	ABSENT:	ABSTAIN
Janelle Kittridge	_____	_____	_____	_____
Ryan Kwasneski	_____	_____	_____	_____
Dave Maher	_____	_____	_____	_____
Ken McClafferty	_____	_____	_____	_____
Rick Sniegowski	_____	_____	_____	_____
Ron Stapleton	_____	_____	_____	_____



JOHN EGOFKSKE, President

ATTEST:


CHARLENE M. SMOLLEN, Village Clerk